

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Debbie Ann Harris,

Case No. 17-42987-nhl

Debtor.
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ORDER FINDING HSBC IN CONTEMPT

WHEREAS, on June 8, 2017, Debbie Ann Harris (the “Debtor”) filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code; and

WHEREAS, on March 15, 2019, the Debtor filed a request to enter into the Loss Mitigation Program with Creditor HSBC Bank USA, N.A. (“HSBC”) [ECF No. 48]; and

WHEREAS, on April 17, 2019, the Court entered an order directing the Debtor and HSBC to participate in Loss Mitigation (the “Loss Mitigation Order”) [ECF No. 50]; and

WHEREAS, on May 29, 2019, the Court held a Loss Mitigation status hearing, at which the Debtor appeared by counsel and there was no appearance by or behalf of HSBC; and

WHEREAS, on June 24, 2019, the Court entered an order adjourning the Loss Mitigation status hearing and directing HSBC to appear by counsel at a hearing on July 23, 2019 and file a contact designation by June 28, 2019 (the “Adjourned Loss Mitigation Order”) [ECF No. 60]; and

WHEREAS, on July 23, 2019, the Court held the adjourned status hearing, at which the Debtor appeared by counsel and there was no appearance by or on behalf of HSBC; and

WHEREAS, on July 30, 2019, the Court entered an order to show cause directing HSBC to appear and show cause as to why HSBC should not be held in contempt for violating this Court’s orders (the “OSC”) [ECF No. 64]; and

WHEREAS, on October 2, 2019, the Court held a hearing on the OSC, at which the Debtor appeared by counsel and there was no appearance on behalf of HSBC; and

WHEREAS, on October 15, 2019, the Court entered a second order to show cause directing HSBC to appear and show cause as to why HSBC should not be held in contempt for violating this Court's orders (the "Second OSC," together with the Adjourned Loss Mitigation Order and the OSC, the "Orders") [ECF No. 74]; and

WHEREAS, on December 18, 2019, the Court held hearing on the Second OSC, at which the Debtor appeared by counsel and there was no appearance on behalf of HSBC; and

WHEREAS, on February 26, 2020, the Court held an adjourned hearing on the Second OSC (the "February 26th Hearing"), at which the Debtor appeared by counsel and there was no appearance on behalf of HSBC; and

WHEREAS, to date, HSBC has not filed a contact designation;

NOW, THEREFORE, upon the record of the February 26th Hearing, it is hereby

ORDERED, that HSBC is hereby held in contempt for its failure to comply with this Court's Orders; and it is further

ORDERED, that a further hearing shall be held before this Court on **April 23, 2020 at 11:30 a.m.** (the "Hearing") at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Courtroom 3577, Brooklyn, NY 11201 to consider imposing sanctions on HSBC, and it is further

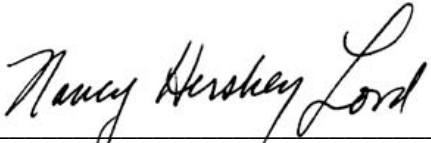
ORDERED, that HSBC can purge its contempt by contacting the Court with an explanation prior to the Hearing; and it is further

[Order continues on following page]

ORDERED, that the Clerk of Court is directed to serve a copy of this Order upon the parties and persons listed on the Service List annexed hereto.

Dated: March 8, 2020
Brooklyn, New York





Nancy Hershey Lord
United States Bankruptcy Judge

Service List

Debbie Ann Harris

814 Linden Blvd
Brooklyn, NY 11203

Denrick Cooper

207-23 Hillside Ave
Queens Village, NY 11427

Marianne DeRosa

Office of the Chapter 13 Trustee
100 Jericho Quadrangle
Suite 127
Jericho, NY 11753

Office of the United States Trustee

Eastern District of NY (Brooklyn Office)
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

HSBC Headquarters

Attn: President

Attn: General Counsel

452 Fifth Avenue
New York, NY 10018

HSBC Mortgages, Attention: Mail stop NOE 1290

1 Corporate Drive, Suite 360
Lake Zurich, IL 60047

HSBC Customer Service Address – HSBC Bank USA, N.A.

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